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Chairman: Mr. Galuška ..... (Czech Republic)

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99-82253 (E)

The meeting was called to order at 3.15 p.m.

Agenda item 114: Elimination of racism and racial discrimination (*continued*) (A/C.3/54/L.26)

1. **Ms. Elliott** (Guyana) introduced draft resolution A/C.3/54/L.26 on measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance on behalf of the Group of 77 and China, and of the following additional sponsors: Croatia, Denmark, Finland, France, Greece, the Netherlands, Portugal, San Marino, Spain, Turkey and the United Kingdom of Great Britain and Northern Ireland.

2. The text had been revised after consultations. A new tenth preambular paragraph had been inserted, reading: "*Recognizing* both the challenges and opportunities in combating racism, racial discrimination, xenophobia and related intolerance in an increasingly globalized world,". In the fourth line of paragraph 2, the phrase "strengthen its impact and" should be inserted after the words "in order to". In the third line of paragraph 3, the verb "welcomes" had been replaced by the phrase "takes note with appreciation of". In the third line of paragraph 4, the phrase "and non-governmental organizations" had been inserted after the word "mechanisms". Paragraph 5 had been deleted.

3. Paragraph 9 had been revised to read: "*Expresses its profound concern about and unequivocal condemnation of* all forms of racism, racial discrimination, xenophobia and related intolerance, in particular all racist violence, including related acts of random and indiscriminate violence;". In paragraph 12, after the preposition "in", the words "Europe and North America, including" had been replaced by the words "many parts of the world, as well as"; and at the end of that paragraph, the word "constitutions" had been replaced by the word "charters", after which the phrase "as reflected in the report of the Special Rapporteur" had been inserted. Lastly, in the first line of paragraph 20, the word "work" had been replaced by the word "action".

4. She hoped the draft resolution would be adopted by consensus. It reflected many of the concerns highlighted in the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance. Although similar to that of the previous year, it encouraged States not only to cooperate with the Special Rapporteur, but also to take action at the national level to eradicate racism and related intolerance, and reaffirmed the importance of 2001 as the International Year of Mobilization against such racist manifestations.

Agenda item 116: Human rights questions (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/54/93, 137, 216, 222 and Add.1, 303, 319, 336, 353, 360, 386, 399 and Add.1, 401, 439 and 491)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/54/188, 302, A/54/330-S/1999/958, A/54/331-S/1999/959, A/54/359, 361, 365, 366, 387, A/54/396-S/1999/1000, A/54/409, 422, 440, 465-467, 482, 493 and 499; A/C.3/54/3 and 4)

(d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action (*continued*)

(e) Report of the United Nations High Commissioner for Human Rights (*continued*) (A/54/36)

5. **Mr. Kapanga** (Democratic Republic of the Congo), speaking under agenda item 116 (e), expressed appreciation for the report of the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo (A/54/361), where for the first time he had correctly characterized the conflict in the country as a war; although regrettably he had stopped short of condemning the armed aggression against his nation by Rwanda, Uganda and Burundi. The General Assembly and the Security Council should now do so unequivocally, and should thwart the expansionist aims of those neighbouring countries.

6. The report brought out the inevitable connection between the armed aggression and the various human rights violations discerned in the Democratic Republic in its aftermath. The points made by the Special Rapporteur in chapter 2 could serve as jurisprudence for the International Court of Justice, before which his Government had brought a case against the aggressors violating its sovereignty and territorial integrity. His delegation noted with satisfaction also that for the first time the Special Rapporteur had recognized that his Government, which did not sanctimoniously claim never to have committed any missteps, had made enormous progress in the observance and protection of human rights. Since the establishment in 1988 of the Ministry of Human Rights, his Government had actively cooperated with the various United Nations human rights bodies and with the Special Rapporteur.

7. Regarding the use of children in the armed forces, his Government had opted to demobilize all children, setting up

a National Demobilization and Social Reintegration Commission for them; and it had prohibited the recruitment of children under 18. The Democratic Republic had taken the initiative in convening a pan-African conference on the demobilization of child soldiers (report, paras. 72 and 119), which the Special Rapporteur urged the international community to support. Prior to adopting a national human rights plan, the Government had also organized a preparatory seminar on the administration of justice and human rights. The Government was leaning towards the abolition of capital punishment, and in the meantime had revised its legislation so that death sentences would be carried out in accordance with international law in the matter.

8. Its closer relations with the United Nations system in general and with international and non-governmental organizations had helped the Democratic Republic to promote human rights and deal with many abuses that had been committed mainly out of ignorance or excessive zeal. Although the new positive approach on the part of the Special Rapporteur was to be encouraged, his report nonetheless contained unverified inaccuracies and outdated information. His delegation hoped that the Special Rapporteur would show more scientific rigour in carrying out his mandate in general and in drafting his report in particular.

9. As part of their war of aggression, the Rwandan, Ugandan and Burundian coalition was massacring the helpless population of his country, in flagrant violation of all international instruments governing warfare and of international humanitarian law. The atrocities were part of a larger pattern of violations which the Special Rapporteur would do well to investigate, in the interests of safeguarding human rights in the Great Lakes region. The so-called rebel movement within the country was likewise committing genocide in the area under its control. Such barbaric conduct had previously been unknown among the more than 400 ethnic groups that constituted the Congolese people and had theretofore lived in peace.

10. The international community must rouse itself and bring to justice the perpetrators of such crimes against humanity, just as was being done in Eastern Europe. The white papers by his Government circulated as Security Council documents set out the main aspects of the human rights question in the territory of the Democratic Republic. The surviving population in the occupied provinces was also in terrible straits. Women and young girls were being repeatedly raped by Rwandan and Ugandan troops, and soldiers known to have AIDS were systematically used for the purpose of infecting them. The situation of children was simply apocalyptic: forcibly conscripted minors constituted a large percentage of the troops of the so-called rebels, with an unimaginable impact on future Congolese generations. All hope of well-being and a better future had been banished from the areas under rebel control, as corroborated in the Special Rapporteur's report (paras. 93 and 95).

11. As to the refugee situation, it was not the victims themselves who should be accused but rather those who sowed the dissension that caused social disintegration and flight. His Government had nevertheless chosen the path of dialogue. It asked the international community to support its demand for the withdrawal of the aggressor troops from its territory so that talks among Congolese could begin and peace in the Great Lakes region could become a possibility.

12. His Government's determination to make the Democratic Republic a prosperous country with a fine future had not pleased certain neighbouring countries, which had decided, after first pillaging and murdering, to install a more docile regime that would take directions not from the Congolese people but from foreigners. The conspiracy would, however, not succeed, for the people would have the last word.

13. **Mr. Paribatra** (Thailand) said that his country's new democratically drafted Constitution contained comprehensive provisions guaranteeing rights and freedoms, and over 30 implementing laws had been adopted in the past two years. Experience had taught that, in realizing the right to human development, more emphasis had to be placed on a human rights-based approach to social and economic development. Consequently, his Government had over the past two years devoted increasing resources to short-term social safety nets and long-term human resource development. For the first time, human rights had been made an integral part of its foreign policy.

14. Thailand had helped to make human rights an issue of regional concern for the Association of Southeast Asian Nations (ASEAN); the Ministry of Foreign Affairs had organized many human rights conferences and workshops, including one on the development of national plans of action for the promotion of human rights in the Asia-Pacific region; and it had actively participated in the efforts to resolve the question of East Timor. The following month, Thailand would accede to the International Covenant on Economic, Social and Cultural Rights, thus completing its accession to all the instruments that made up the International Bill of Human Rights.

15. Governments, international and regional and non-governmental organizations, the private sector, the media and all members of civil society must join hands in promoting and protecting human rights. Without a shared

sense of social responsibility and urgency, little progress would be achieved; on the other hand, the considerable financial, technological and information resources of the private sector, if applied with a sense of social responsibility, could contribute to the cause of human rights. In the critically important process of consensus-building, the basic principles of the universality, indivisibility and interdependence of human rights could not be compromised.

16. The great diversity in the contemporary world that inevitably survived globalization must not be used as a pretext for the violation and suppression of human rights, a justification for promoting one set of human rights at the expense of another, a cloak for authoritarian practices, or an excuse for turning a blind eye to abuses elsewhere. By traditionally providing temporary shelter for displaced persons from neighbouring lands, successive Thai Governments had shown their willingness to act with compassion in cases of abuses and violations.

17. **Mr. Wenaweser** (Liechtenstein) said that his Government had decided to support the draft resolution on the question of the death penalty sponsored by the European Union (A/C.3/54/L.8). As the draft resolution stated, the abolition of the death penalty would contribute to the progressive development of human rights. His Government had the right to express that conviction, just as others had the right to voice their opposition. On that premise the draft resolution called on States that upheld the death penalty to establish a moratorium on executions. If adopted, the resolution would have no legally binding effect on any Member State, and would merely constitute one step in a political process which, it was hoped, would advance the universal cause of human rights.

18. The proposed amendment contained in A/C.3/54/L.31 had been formulated in accordance with the view that the draft resolution undermined the sovereignty of States. His delegation fully agreed with those Member States that had maintained that consideration of a draft resolution on the death penalty was the wrong occasion for discussing new notions of the concept of sovereignty. In the view of Liechtenstein, which as a small country was keen to maintain its sovereignty, it should not be necessary to refer to a principle to which all States subscribed as a matter of course. Furthermore, the purposes and principles of the Charter of the United Nations should be read in their entirety. Nevertheless, in view of the importance that many States attached to such an amendment, his Government would reluctantly accept the proposed language.

19. However, since the proposed amendment would alter the tone of the resolution as a whole, language should also be included to make it clear that the promotion and protection of human rights were a legitimate concern of the international community. Although his Government similarly regarded the proposed amendment contained in A/C.3/54/L.32 as unnecessary and misplaced, it was again willing to accept it as the reaffirmation of a concept to which all Member States subscribed.

20. However, it would prefer to use language from a human rights instrument, such as the first preambular paragraph of the International Covenant on Civil and Political Rights, which was also that of the International Covenant on Economic, Social and Cultural Rights. The Liechtenstein delegation had no illusions that such accommodations would bring about a consensus on that issue, but hoped that the adoption of the draft resolution would contribute to the abolition of the death penalty over the long term.

21. **Ms. Boyko** (Ukraine) said that the promotion and protection of human rights was a long-term process which should not be treated as something separate from the Organization's other activities. In recent years, the human rights component of the mandates of peacekeeping operations had frequently been critical to their success. Ukraine had always strongly advocated that human rights activities should be at the heart of preventive measures, as an effective means of strengthening the efforts of the international community to prevent the further aggravation of situations which might endanger international peace and security.

22. Events had demonstrated the explosive potential of neglect of human rights issues in the context of preventive diplomacy. In that regard, a more active role by the Secretary-General should be encouraged; he should be able to bring to the attention of the Security Council situations of massive human rights violations which were likely to threaten international peace and security. The Commission on Human Rights played a key role within the United Nations system of protection of human rights. Unfortunately, recent efforts to review its working methods in order to increase its effectiveness and efficiency had not accomplished that goal. Duplication and the ineffective use of human, financial and other resources had called in question the Commission's ability to meet the challenges of the modern world. The effectiveness of the reform process would depend greatly on the spirit of confidence among the participants in the Commission's sessions.

23. Further efforts should be made to eliminate double standards and selectivity in the assessment of human rights issues and situations in various countries, which often

caused confrontation in the Commission and impaired its work. Her delegation hoped that the inter-sessional working group would work in an expeditious and constructive manner so that at the Commission's fifty-sixth session a package of improvements could be adopted to strengthen human rights mechanisms. The absence of proper coordination of regional cooperation activities and activities within the framework of the United Nations was another constraint. Her delegation, as a member State of the Council of Europe, fully supported the opinion of the United Nations High Commissioner for Human Rights about the need for a more structured relationship between the Office of the High Commissioner and the Council of Europe in such areas as the forthcoming World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, trafficking in women and violence against women, technical cooperation, and the strengthening of national human rights capacities.

24. The cooperation between the Office of the High Commissioner and the Organization for Security and Cooperation in Europe was equally important. Her delegation welcomed the conclusion of memoranda of understanding between the Office of the High Commissioner and other international organizations as important steps towards improving the coordination and complementarity of human rights activities at the global level. Efforts at the national level were crucial. Her delegation commended the assistance provided by the Office of the High Commissioner to national human rights institutions. Ukraine was particularly interested in developing a technical cooperation programme with the Office of the High Commissioner and looked forward to progress in that field.

25. Her delegation supported the idea of expanding cooperation between United Nations human rights bodies and other United Nations agencies based on full respect for the mandates and responsibilities of each partner. Priority attention must also be paid to human rights education, which was at the core of the culture of human rights, and to better management of information on human rights and its wider dissemination. For some countries, establishing the rule of law might take generations, rather than years. In order to implement fully the Vienna Declaration and Programme of Action, there must be a global alliance between Governments, international organizations and civil society for the universal observance of human rights.

26. **Mr. Fernandez Palacios** (Cuba) said that the international community needed to reflect on how to face the new world realities in order to provide equal access to development, eradicate poverty, protect cultural diversity and ensure the full exercise of all human rights for everyone. The globalization process posed a huge challenge. In addition to its potential benefits, it could have destructive consequences for human rights, equality, justice, non-discrimination and sustainable development. If it was to achieve its enormous potential, that process must be accompanied by a new, just, equitable and sustainable world order, which included the active participation of the so-called third world countries in the global decision-making processes, a profound transformation of the international monetary system, a comprehensive approach to development, and a bridging of the increasing gap between the richer countries and the vast majority of poorer countries.

27. Human rights had little meaning when 1.3 billion people lived in poverty, while a small group of rich countries enjoyed unsustainable patterns of consumption. The right to development would continue to be a chimera unless firm action was taken to achieve economic, social and cultural rights. The promotion and protection of all human rights and fundamental freedoms for everyone, on the basis of effective international cooperation in accordance with the purposes and principles of the Charter, had been reaffirmed in the Vienna Declaration and Programme of Action. Cooperation must be based on universality, objectivity, impartiality and non-selectivity, along with mutual respect and democratic understanding of diversity. Those goals were far from being attained, however. Year after year, United Nations bodies were being held hostage to selectivity, political manipulation and double standards as part of the attempts by a group of countries to impose a certain approach to human rights and to judge and condemn the countries of the South.

28. There was no single model of social organization; attempts to impose such a model ran counter to the democratic ideals that some claimed to defend. Democracy and universality could be based only on true respect for the right of nations to adopt the political, economic and social system which their peoples chose in a free and sovereign manner. Interference and intervention were being disguised as "humanitarian" action for the alleged protection of human rights. Upholding the principles of national sovereignty, political independence and non-interference in the internal affairs of other States was the only way for developing countries to counter attempts at intervention and hegemonism by the major centres of power.

29. There was no question of justifying crimes and injustice, or massive and flagrant human rights violations; the international community must take action to prevent those practices. The issue was the need to eliminate the deeper causes associated with poverty, underdevelopment, inequality and injustice. It was first necessary to establish clear-cut rules on the scope, implications and consequences

of the action to be taken, and that could not happen as long as the developing world was reduced to listening to long monologues on what it should be doing. Democracy and consensus could exist only on the basis of different opinions and a willingness for dialogue.

30. **Mr. Baali** (Algeria) said that globalization, which was spreading to all areas of human activity, inevitably affected human rights and freedoms as well. While the universality of human rights was unquestioned, it had to be recognized that universality did not mean uniformity; cultural characteristics could not be neglected or obscured. The World Conference on Human Rights had established the indivisibility and interdependence of economic, social, cultural, civil and political rights. Cooperation in the area of human rights must therefore be achieved through a partnership based on equality and respect for differences, free from all forms of hegemonism, selectivity, manipulation or political calculation.

31. While there had been a significant strengthening of civil and political rights and fundamental freedoms, there had been no real progress in economic, cultural and social rights, which had even regressed because of the introduction of costly structural adjustments that had led to increased poverty, wider income gaps, reduced social security systems and increasing unemployment. The provisions of human rights treaties had little meaning for those who were concerned only about survival. First and foremost, the right to life must be ensured; it was essential to achieve the right to development, a universal and inalienable right which had finally been recognized at the World Conference on Human Rights, after being identified by the General Assembly a decade previously.

32. The international community could no longer accept a situation in which one in four people was malnourished, had no drinking water, and had no access to education or basic health care, and must address that challenge collectively. His delegation therefore welcomed the commitment of the United Nations High Commissioner for Human Rights to the promotion and achievement of the right to development and hoped that the Working Group on the Right to Development would make specific proposals on that matter.

33. For a number of years, the African States had been engaged in a vast enterprise of democratization and promotion of human rights and fundamental freedoms. After struggling against colonialism and apartheid to regain their rights and freedoms, Africans were well aware of the importance and meaning of freedom and dignity. The promulgation of the African Charter on Human and People's Rights had been followed by the adoption of several other instruments, including the Ouagadougou Protocol establishing the African court of human rights. Despite its precarious economic situation, Africa remained firmly committed to the defence and protection of human rights, as was demonstrated by the endorsement at the thirty-fifth summit meeting of the Organization of African Unity (OAU), held in Algiers in July 1999, of the plan of action on human rights in Africa which, *inter alia*, reaffirmed the right to development and stressed the importance of impartiality, non-selectivity and non-manipulation of human rights.

34. The meeting of the coordinating committee of African national institutions for the promotion and protection of human rights, held in Algiers a few days previously, was a continuation of the African human rights process. The invitation by the President of Algeria to the African Commission on Human Rights to hold its twenty-seventh session at Algiers in 2000, and his Government's willingness to host a conference of non-governmental organizations, demonstrated Algeria's desire to support Africa's commitment to human rights.

35. Algeria had undertaken to consolidate the rule of law, strengthen democracy, and establish institutions to protect human rights to promote all human rights and fundamental freedoms. Human rights could not be decreed or imposed since a favourable socio-economic and political environment was needed. Algeria intended to continue its efforts in that area at its own pace and in full transparency. The international community must clearly demonstrate that the promotion and protection of human rights had no other goal than the achievement of the ideals of the Charter, for the benefit of all the peoples and nations of the world.

36. **Mr. Valdivieso** (Colombia) said that Colombia would continue to cooperate with other countries to achieve respect for human rights in the world. It considered the interest of other countries in the human rights situation in Colombia as legitimate and appreciated their cooperation within the bounds of respect for the principle of non-interference in the internal affairs of States. While Colombia's situation as a developing country undergoing internal conflict imposed some limitations on extending the full enjoyment of human rights to its citizens, his Government was persisting in its efforts to achieve that objective. It believed that peace and human rights were interdependent and that a negotiated solution to the internal conflict was therefore a priority.

37. In August 1999 his Government had announced a policy to promote respect for human rights and the application of international humanitarian law, corresponding

to the commitment made to the Colombian people and the recommendations of various international human rights bodies, including the Office of the United Nations High Commissioner for Human Rights in Bogota. The policy would focus on six areas: action against illegal armed groups, which had been responsible for the largest number of human rights violations in Colombia; security of human rights defenders; assistance to persons displaced by violence; measures to promote international humanitarian law, in particular the protection of women and minors in armed conflict situations, mine clearance, and non-recruitment of minors into the armed forces; improvement of the administration of justice, including the fight against impunity, application of a military penal code and reform of the penal code to include the question of forced disappearances; and a national plan of action on human rights and international humanitarian law, including the establishment of a permanent national commission of human rights and international humanitarian law.

38. With regard to the situation of internally displaced persons, his Government welcomed the visit to Colombia in May 1999 of the representative of the Secretary-General on internally displaced persons. It expressed its support for the Guiding Principles on Internal Displacement, and its willingness to be guided by them domestically and in its relations with international organizations. The plan formulated by his Government included action relating to information, prevention, humanitarian protection, return of displaced persons, relocation and economic stabilization. In the absence of accurate and current information, Colombia had decided to register internally displaced persons in order to grant them access to legal benefits.

39. His Government invested millions of dollars every year to assist displaced persons. In order to obtain additional resources, it had made proposals for international cooperation which had been included in a plan sent to various Governments and international bodies. The key element to solving the problem of internally displaced persons, however, was to find a negotiated political solution to the internal conflict. That process required time and patience. In the meantime, his Government was doing everything possible to find temporary solutions for internally displaced persons, in cooperation with regional Governments, displaced persons' organizations, the Church, the Office of the United Nations High Commissioner for Human Rights, and the International Committee of the Red Cross.

40. **Mr. Cherif** (Tunisia) expressed his delegation's concern about the violence and intensity of the human rights violations occurring in conflict situations, and urged the parties to those conflicts to respect human rights and settle their differences peacefully and in accordance with the principles of the Charter and international law. Despite hotbeds of tension in Africa, the promotion of human rights was enjoying considerable attention on that continent: the Grand Bay Declaration and Action Plan, which had resulted from the Ministerial Conference of the Organization of African Unity (OAU), demonstrated the commitment of African States to protect human rights. In that regard, his delegation welcomed the efforts of the High Commissioner for Human Rights to strengthen the internal capacities of African countries.

41. Development and the elimination of poverty should be one of the priority objectives of the international community. Respect for human rights required an integrated vision of rights, under which social and economic rights would be placed on an equal footing with civil and political rights. The right to development must be a major concern in all efforts to promote human rights. In that spirit, the President of Tunisia had launched an appeal to the international community to establish a voluntary world solidarity fund for assisting the poorest regions of the world. The developing countries were becoming increasingly marginalized and vulnerable, and the liberalization of world trade should be accompanied by an ethical standard that placed the interests of people over all other considerations. In that regard, the Government of Tunisia welcomed the recommendations by the Subcommission on the Promotion and the Protection of Human Rights to draw up a code of conduct for transnational corporations.

42. His Government had chosen a gradual, global approach to the realization of human rights that took into account Tunisia's geographical, social and economic realities as well as the need for stability. Security, human rights, economic progress and democracy were inextricably linked. The reform process aimed to strengthen political pluralism, the freedom of expression and the freedom of assembly, and had led to notable progress in the areas of education, health, environment, the emancipation of women, the protection of children's rights and the elimination of poverty and marginalization.

43. Tunisia's recent presidential and legislative elections had been conducted with respect for democratic values and the principle of transparency. A number of basic legislative reforms had prepared the way for those elections, including a constitutional reform envisaging a multi-party system within the context of a balanced, tolerant and open society, a reform of the electoral code stipulating that the opposition should hold at least one fifth of the seats in the Chamber of Deputies and municipal councils, and a set of regulations

bringing the Tunisian prison system into conformity with international standards.

44. His Government had indeed taken many actions in the area of human rights, demonstrating its clear political will to implement all the international conventions to which Tunisia was a party. All abuses that were brought to the attention of the authorities were dealt with in accordance with the law. Commissions of inquiry had been established, and officials found responsible were punished. His Government, acting in accordance with the Tunisian people's sense of tolerance, was unshakably committed to the promotion and protection of human rights.

45. **Mr. Voeffray** (Observer for Switzerland) said that the number of States that had abolished the death penalty or imposed a *de jure* or de facto moratorium on its application continued to grow throughout the world. In Switzerland, the death penalty had been struck from the regular penal code in 1942, and from the military penal code in 1992. Switzerland vigorously supported draft resolution A/C.3/54/L.8 calling for a moratorium on executions, with a view to completely abolishing the death penalty. By adopting such a resolution 10 years after the adoption of the Second Optional Protocol to the International Convention on Civil and Political Rights, the General Assembly would be taking another step towards the progressive abolishment of the death penalty, within the context of respect for the sovereignty of States.

46. It was difficult to imagine a democratic society where there was full enjoyment of civil and political rights, while economic and social rights were disregarded. And yet, the right to development was still often a controversial topic in international discussions of human rights. The right to development was too important to be dealt with in a spirit of confrontation. A seminar on that topic held in Geneva in September 1999 by non-governmental organizations had taken a step in the right direction by conducting an open and constructive exchange of views; it was hoped that the Working Group on the Right to Development, scheduled to meet at Geneva in December 1999, would conduct its dialogue in that same spirit.

47. Several seminars would be held within the context of preparations for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. One such seminar, to be held in Geneva in January 2000 under the auspices of the High Commissioner for Human Rights, would consider penal, civil and administrative remedies for victims of racist acts and would also discuss sound practices used by governmental and non-governmental bodies to assist such victims as well as methods employed such as mediation, conciliation and preventing the spread of racism.

48. Throughout the world, human rights defenders continued to be subjected to constraints, threats, imprisonment, torture, kidnapping and summary executions. Accordingly, the Government of Switzerland urged the Commission on Human Rights to establish an international mechanism to monitor respect for commitments undertaken by States under the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms in order to protect human rights defenders, and to appoint a special rapporteur on that question.

49. **Ms. Junod** (International Committee of the Red Cross (ICRC)) said that her organization noted with great interest the report of the United Nations High Commissioner for Human Rights (A/54/36), which highlighted the complementary nature of their two organizations. A high-level meeting with the High Commissioner had recently been held at ICRC headquarters with a view to strengthening interaction between those two bodies, and had identified the spheres of activity that were specific to each organization and those which called for closer cooperation. The increasing complexity of the situations in which humanitarian workers and human rights defenders were required to work and the deterioration of security conditions in the field had made such a dialogue more useful than ever.

50. The implementation of international humanitarian law involved three complementary activities: promoting observance of that law; protecting and assisting war victims, and denouncing and suppressing violations. ICRC had a specific mandate from States to persuade parties to a conflict to respect humanitarian law and prevent violations of it. ICRC was convinced that its activities would be significantly hampered if it were to participate in the denunciation or investigation of violations. In international armed conflicts, ICRC had the right of access to victims under the terms of the Geneva Conventions and their First Additional Protocol. In practice, however, the exercise of that right depended on the consent of the parties to the conflict.

51. Although many of the activities undertaken by ICRC in non-international conflicts or situations of internal violence were based on its right to undertake humanitarian initiatives, the parties had no legal obligation, *stricto sensu*, to authorize it to act. To carry out its tasks, ICRC had to win the consent and trust of all parties, and that of the victims. If it did not succeed, its activities could be totally or partially undermined.

52. Since 1996, ICRC had been involved in a process of reflection with other organizations working in the realm of human rights and humanitarian law with a view to clarifying the concept of protection and elaborating professional principles and standards of action. That process should promote improved operational decisions and enhanced complementarity. It had become clear that all protection activities must be conducted within the context of a global, coherent approach: the need to respond to urgent needs resulting from a violation of rights should not, for example, obviate the need to promote an environment capable of preventing the recurrence of such a violation. ICRC sought to create, maintain and develop a constructive dialogue with all parties, for the sole purpose of providing protection and assistance to all victims.

53. **The Chairman** said that a number of speakers had indicated their desire to exercise their right of reply in respect of statements made at the thirty-sixth meeting of the Third Committee.

54. **Mr. Ayadah** (Kuwait), speaking in exercise of the right of reply, said that his delegation objected to Iraq's use of the vague term "missing persons" in connection with more than 605 Kuwaiti prisoners who had been taken from their homes during the occupation. Their family members continued to suffer from Iraq's failure to provide accurate information as to the prisoners' fate. Kuwait attached the utmost importance to the work of the Tripartite Commission and its technical sub-committee in helping to find a solution to that humanitarian problem. Iraq's recent decision to suspend all further cooperation reflected its consistent indifference to human suffering. Iraq had made no serious attempt to resolve the question of Kuwaiti prisoners and detainees during the previous eight years.

55. In spite of its many reservations, Kuwait had agreed to negotiate a solution to the problem. It was vital that Iraq should resume cooperation with the Commission. Kuwait rejected the grounds on which Iraq had suspended cooperation, namely that the composition of the Commission was unacceptable. The assistance of the United States of America, France and the United Kingdom of Great Britain and Northern Ireland was vital in helping to clarify technical issues raised during negotiations.

56. **Mr. Rahmtalla** (Sudan), speaking in exercise of the right of reply, said that the allegations made by the United States delegation were false, superfluous and malicious. Despite recognition by all United Nations agencies involved in Operation Lifeline Sudan, the United States of America continued blatantly to disregard the facts. Although that country's claim that the Sudan was supporting the northern resistance army continued to lack credible evidence, there was ample proof that the United States Government was providing material and financial assistance to the southern Sudanese rebel movement. The recent visit of the United States Secretary of State to Africa and her meeting with rebel leaders was part of a consistent pattern on the part of that Government to fuel the machinery of war in southern Sudan, threatening the region's already fragile peace and stability.

57. While the Sudanese Constitution stipulated that all human beings should be free from subjection to slavery, the United States delegation, driven by blind hatred, had accused the Sudan of slavery and had defamed Islam. The international community had acknowledged that the problem in the Sudan was one of abduction within the framework of a conflict in the south. Should the concern of the United States Government be regarded as a change of heart? It had long refused to permit the Special Rapporteur on Racism, Racial Discrimination and Xenophobia to visit that country, while at the same time objecting to slavery on the other side of the Atlantic.

58. Moreover, its allegations of religious intolerance were a blatant insult to southern Sudanese Christians, many of whom were high-level members of the Sudanese Government, and a manifestation of cultural arrogance. One year had passed since the United States had attacked the Sudan, destroying a pharmaceutical factory which had supplied the country with needed medicines and had played a prominent role in its economy and that of other countries in the region. His delegation was determined to participate in an open and constructive dialogue with a view to promoting human rights and questioned whether the United States of America shared that purpose.

59. **Mr. Al-Humaimidi** (Iraq), speaking in exercise of the right of reply, said that the United States delegation had not only repeated the words of the Special Rapporteur on Iraq, but had also added some "facts" of its own. Such behaviour was hardly surprising from a country that daily attacked the independent State of Iraq on the pretext that its victim was a human rights violator. Indeed, the United States of America trained mercenaries and mobilized its mass media in a concerted anti-Iraq campaign that had cost some $97,000,000. One could hardly expect such a State to affirm that Iraq was a peace-loving country that respected human rights and international law. Indeed, the arrogance demonstrated by the United States delegation was entirely to be expected.

60. The United States wanted to overthrow the Iraqi Government, divide the country and impede dialogue with the Iraqi Kurds. It sought to partition the country along

sectarian and ethnic lines, repeating unfounded allegations about persecution of the Shia. Iraq did not persecute its citizens and was free from any form of discrimination. The sanctions and deaths of untold numbers of Iraqi children were humanitarian issues that the United States delegation refused to discuss, because it was the violator in question. The statements of the United States delegation were merely propagandistic rhetoric.

61. It was deplorable that New Zealand had repeated allegations without taking the trouble to verify their accuracy. Since northern Iraq was not controlled by the national Government, it was difficult to see how and to which destination the Kurds living there could have been forcefully deported by the Iraqi authorities. As for Iraq's alleged failure to comply with the terms of the Memorandum of Understanding, both the coordinator of humanitarian affairs in Baghdad and the Secretary-General himself had affirmed the contrary to be the case.

62. **Mr. Choe Myong Nam** (Democratic People's Republic of Korea), speaking in exercise of the right of reply to the statement by the United States delegation, part of which was circulated to the Third Committee as an unofficial document, said that his delegation utterly rejected the hypocrisy of the United States of America, which had consistently violated the right of the people of his country to freely choose their own political system. The United States never discussed its own human rights record, including the millions of homeless and unemployed on its streets, the problem of spiralling violence, murder, overcrowded prisons and the torture of prisoners.

63. Abroad, the United States human rights performance was much worse, with the massacre of innocent civilians during the Korean War, acts of genocide, the murder of children and rape of women. The United States of America attacked the human rights record of others in order to mask its own hegemonistic ambitions. Such behaviour could not continue.

64. **Mr. Nkingiye** (Burundi), speaking in exercise of the right of reply, said that his delegation rejected the allegations made by the representative of the Democratic Republic of the Congo concerning massive violations of human rights by Burundi. His country fully respected the principle of the sovereignty of States and non-interference in their internal affairs.

65. **Mr. Basele** (Democratic Republic of the Congo), speaking in exercise of the right of reply, said that his country also respected the principle of the sovereignty of States and of non-interference in their internal affairs. If human rights were not being violated, he wondered why the Congo was on fire, why there was blood on the streets and whose interests were served by the fact that the Congo was being torn apart. He was convinced that the truth would emerge and hoped that human rights defenders would contribute by tracking cross-border movements and identifying the perpetrators.

The meeting rose at 5.35 p.m.